IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7586 OF 2005

Milind Sudam Kamble .. Applicant
Versus
State of Maharashtra .. Respondent

V.V.Gangurde for applicant
Mr.K.V.Saste, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 29th November 2005.

P.C.

. Applicant has been arrested on 24th September 2005 in case registered vide C.R.No.297 of 2005 at Ambad police station alleging offences punishable under sections 143, 147, 148, 149, 451, 395 and 427 of I.P.C.

2. Investigation is complete, charge sheet is filed. An application for bail was preferred

by all the accused and barring present applicant all others have been enlarged on bail. Application of the applicant is rejected on the ground that the complainant has named him as being involved in the incident.

3. Complaint has been perused by me with the assistance of learned Advocates for both sides and it is very clearly stated therein that when the complainant and others went to the shop enquiring about one Balu Hire, who had purchased television on loan, complainant was assaulted by about 20-25 persons, damaged furniture and they took away allegedly cash worth Rs.55,000/-. Complainant has sustained injuries viz., fracture of legs. It is stated that initially 20-25 persons with wooden sticks came to the shop premises of complainant and he was assaulted by them. Further statement is also perused by me i.e. dated 16th and 29th September 2005. Other accused and the applicant are similarly placed

inasmuch as complaint specifically states that all of them armed with sticks assaulted complainant. Learned Judge has not been able to point out any distinguishing feature and if para 7 of the order is perused it is clear that distinction made by him is without any basis.

4. Accordingly, application is allowed with following order:-

i) Applicant shall be enlarged on bail in connection with C.R.No.297 of 2005 registered with Ambad police station in the sum of Rs.20,000/- with one surety in the like amount.

ii) Applicant shall report to Ambad police station once a week between 5.00 p.m. to 7.00 p.m. till conclusion of trial.

iii) Applicant shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) Applicant shall cooperate with the Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application disposed of.

vii) Parties to act on an

authenticated copy of this order.

(S.C.DHARMADHIKARI, J)